

# **KENTUCKY JUSTICE AND PUBLIC SAFETY CABINET**

**GRANTS MANAGEMENT BRANCH**

**MANAGEMENT POLICIES AND PROCEDURES**

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## **POLICY AND PROCEDURE MANUAL**

### **Chapter 1 – GENERAL INFORMATION**

#### **INTRODUCTION**

This manual sets forth administrative and financial policies and procedures for applicants and recipients/subrecipients of grant funds administered by the Kentucky Justice and Public Safety Cabinet, Grants Management Branch (GMB). The purpose of the manual is to assist with the process and overall application and operation of grant programs administered by the Grants Management Branch. The manual is also intended to serve as a resource in establishing sound and effective business management systems. Such systems will assure that funds are properly accounted and used only for the purposes for which they were awarded. The manual is a compilation of policies and procedures adopted by the Cabinet and includes selected excerpts from the Office of Justice Programs (OJP) Financial Guide, the Kentucky Administrative Regulations (KAR), and the Kentucky Revised Statutes (KRS). The manual builds upon and complements state and federal guidelines and, while not designed to be all encompassing, it is designed to cover the subjects most pertinent to recipients/subrecipients. In some cases, reference may be necessary to the *OJP Financial Guide*, KAR, KRS, program briefs, or related documents. The provisions of this manual apply to all recipients/subrecipients including state agencies, local units of government, and private not-for-profit organizations.

#### **MISSION STATEMENT**

To administer state and federal funds awarded by the Kentucky Justice and Public Safety Cabinet in a fair and consistent manner by providing leadership through the development, promotion and coordination of programs designed to create safer communities and improved criminal justice systems for all citizens throughout the Commonwealth of Kentucky.

This mission is best served by:

- ◆ Cooperative efforts with all Cabinets and agencies of Kentucky state government;
- ◆ Cooperative efforts with all agencies of the United States government, particularly the United States Department of Justice;
- ◆ Providing consultation/technical assistance to state and local units of government; and
- ◆ Providing consultation/technical assistance to private not-for-profit organizations.

#### **AVAILABLE STATE AND FEDERAL GRANT PROGRAMS**

KRS 15A.150 authorizes the Kentucky Justice and Public Safety Cabinet, Grants Management Branch (GMB) to “administer . . . all state and federally funded grant programs related to criminal justice.” Major program descriptions may be found below, however, this list is not all inclusive, and may vary over time as new programs are created and old ones retired.

**Eligible recipients/subrecipients.** Block, formula, and project grants may be awarded to states or units of local government and not-for-profit organizations, based upon statutory authority. (See appropriate program guidelines for eligibility.)

**Program Announcements.** The Kentucky Justice and Public Safety Cabinet, Grants Management Branch (GMB), will announce the availability of state and federal funds following notification from the awarding authority that funds are available and/or awarded to the Commonwealth for the purpose specified. The announcement may take the form of written notification, notification via newspapers, radio and/or web site. Announcements will include the application receipt deadline dates and other pertinent information necessary for completion of the application.

**Electronic Grants Management System (eGMS)** The electronic Grants Management System was designed so that the vast majority of computer users will be able to use the system with little or no changes to their computer environment. This system allows applicants accessibility to all grant opportunities including grant reporting and major correspondence specific to grant awards managed by the Kentucky Justice and Public Safety Cabinet and Cabinet agencies (Department of Juvenile Justice, Grants Management Branch, Kentucky State Police, Department of Corrections and Office of Drug Control Policy) through a single website. Funding solicitation and program announcements specific to cabinet agencies' programs are the responsibility of each agency. Each agency is also be responsible for account establishment on behalf of their subrecipients which includes set up, maintenance, passwords and role definitions. In order to make the award, original signatures are required. Electronic signatures will be accepted for application submission and reporting purposes.

Electronic grant records will be the official records on file and will include all transactions and official correspondence. A corresponding hard copy file will include copies of the application, Statement of Action Grant Award, Special Conditions, the Secretary and Branch Manager letters, Grant Adjustment Notices (GAN), financial report documentation and auxiliary reports and/or documentation.

## **Major Programs Administered**

### **Champions for a Drug-Free Kentucky (CHMP)**

These federal funds may be used to provide funding to community-based coalitions that implement "model" programs based upon scientific research and work by the Center for Substance Abuse Prevention (CSAP), Safe and Drug Free Schools Community Program, and Substance Abuse and Mental Health Services Administration (SAMSHA). Funded coalitions provide anti-drug and anti-violence educational curricula in the schools, and educational and awareness programs to parents and community members. In addition to science-based prevention curricula, Environmental Strategies may be included as part of the prevention strategy of the coalition.

### **Edward Byrne Formula Program (Byrne)**

These federal funds may be used to provide financial assistance to state and local government agencies for projects that promote crime control initiatives. Projects that address enforcement of laws relating to the production, possession or sale of controlled substances are the primary focus.

Examples of projects funded include: multi-jurisdictional task forces (enabling law enforcement agencies in a region to unite and share resources to reduce drug related crime); drug abuse resistance education (using specially trained law enforcement officers to instruct school children in the dangers of drug abuse and help them develop coping skills to resist the use of drugs); eradication of sources of drug production; improvement of drug analysis techniques for Kentucky State Police laboratories; and drug testing and treatment programs for probationers, parolees and inmates to prevent recidivism. State agencies and local units of government are eligible to apply for these funds. Private not-for-profit organizations may also apply; however, the Cabinet cannot attribute these awards as part of the required pass-through for local units of government. These funds were replaced by Justice Assistance Grants in 2005; limited residual funds remain for award.

### **Justice Assistance Grants (JAG)**

These federal funds may be used to provide funding to state agencies and local units of government, and private not-for-profit organizations, for the implementation of law enforcement programs; prosecution and court programs; prevention and education programs; corrections and community corrections programs; drug treatment programs; and planning, evaluation, and technology improvement programs. Funds are awarded to the Commonwealth and certain qualifying local jurisdictions based on population and the number of Uniform Crime Report (UCR) Part I violent crimes reported to the Federal Bureau of Investigation (FBI).

### **Law Enforcement Service Fee Program (LSF)**

These state funds may be used to provide financial assistance to state and local law enforcement agencies to improve the enforcement, investigation, and prosecution of violations of driving under the influence (DUI) and as a result, reduce the number of alcohol and drug-related traffic accidents. Funds are typically used for overtime and equipment.

### **Victims of Crime Act Formula Program (VOCA)**

These federal funds may be used to provide funding to public agencies and not-for-profit organizations that provide direct services to victims of crime. Priority is given to projects that provide services to victims of child abuse, sexual assault, and domestic violence. In addition to these priority categories, the VOCA program funds projects that serve other groups such as victims of burglary or theft, survivors of victims of homicide, victims of drug and alcohol-related crime, elderly victims, and adult survivors of incest. Services to these groups focus on crisis intervention and assistance in obtaining benefits from compensation programs. State agencies, local units of government, and private not-for-profit organizations may apply for these funds.

### **Violence Against Women Act Formula Program (VAWA)**

These federal funds may be used to provide funding to state agencies and local units of government, private not-for-profit organizations, law enforcement, and prosecutors that provide victim services programs to adult female victims of domestic violence and sexual assault. Priority is given to victim advocacy services (30%), prosecution (25%), law enforcement (25%), courts (5%), and discretionary programs (15%). These funds may not be used for services to children unless they accompanied their mother during the crime. State agencies, local units of government and private not-for-profit organizations may apply for these funds.

The above programs are available on a competitive basis to appropriate agencies and/or organizations that qualify under state and federal guidelines and regulations.

The Cabinet also administers several federal grant programs that are agency/program specific. These federal programs include, but are not limited to:

- Ø Residential Substance Abuse Treatment Program (RSAT)
- Ø Statistical Analysis Center (SAC)
- Ø National Criminal History Improvement Program (NCHIP)
- Ø National Forensic Sciences Improvement Act (NFSIA)

Many of the programs referenced above provide funds for grant administration. GMB uses these funds to pay for pro rata portions of: staff salaries; travel costs; training for staff and recipients/subrecipients; office space; and related services, equipment and supplies. GMB's use of these funds is subject to similar restrictions as imposed on recipients/subrecipients. Proportions are based on actual usage and costs; annual time studies; and allocated billing rates.

As the State Administering Agency (SAA) for these funds, GMB is required to provide management and oversight of the funds as directed by federal and state statutes, OMB circulars (<http://www.whitehouse.gov/omb/circulars/index.html>), funding agency program guidelines, and related sources. In addition, GMB is authorized to impose additional conditions on awards that enhance program oversight, respond to unique availability of needs and resources, and otherwise support SAA goals, as long as they do not conflict with higher order governance.

### **ALLOCATION OF FUNDS**

The Cabinet must prepare and submit an application or a written strategy on a periodic basis that sets forth planning and funding priorities for each federal grant received. The applications and/or strategies are formulated based upon federal and state mandates, data, current efforts, resource needs, and professional and public comment.

Statutes and published program guidelines dictate the types of programs and projects that can be funded and types of projects which may be given priority in the awarding of grants and subgrants by the Cabinet. Within the scope allowed by the funding source, the Justice and Public Safety Cabinet incorporates the following general principals in scoring and awarding competitive grants and subgrants:

- Emphasis on crime prevention;
- Emphasis on prevention of underage abuse of alcohol, tobacco and other drugs;
- Emphasis on the rights of crime victims;
- Focus on a balanced and systemic approach to issues and funding that recognizes the interdependent functions of law enforcement, the courts, prosecution, indigent defense, corrections, and crime victim services;
- Focus on balanced allocation of funding to state and local applicants with a goal, where possible, of exceeding the minimum local pass-through requirements;
- Focus on sharing of criminal justice information and systems integration;
- Focus on cross-system training of justice and related professionals;
- Emphasis on data development, research and program evaluation;

- Funding dispersed geographically throughout the Commonwealth, with particular attention to economically deprived or underserved areas;
- Focus on applications that would address unmet, critical basic service needs in the grant target area;
- Funding preference shall be given to qualified, designated regional service providers in order to insure delivery, and avoid duplication, of specialized services. Supplementary programs will be considered for award as funding allows.
- Focus on applications that would provide a service and/or program that directly addresses the needs of minority, un/underserved, or special needs populations (e.g., elderly victims); and
- Focus on applications that would provide a service and/or program that directly addresses targeted areas of enforcement (e.g., methamphetamine).

## Chapter 2 – CONFLICTS OF INTEREST

As described in the *OJP Financial Guide*, personnel and other officials connected with federal and/or state funded grant programs shall adhere to the following requirements:

**Advice.** No officer, board member, agent or employee of any recipient/subrecipient shall participate personally in any grant application, grant operation or contract, involving the use of grant funds (including program income or other funds generated by grant activities), where to his/her knowledge, he/she or his/her immediate family, or business partners, have a present or prospective financial interest, or involving a party with whom he/she is negotiating or has any arrangement concerning prospective employment, except where not otherwise prohibited by law and full disclosure is made to GMB during the application process.

**Appearance.** In the use of grant funds received from the Cabinet, officials or employees of recipients/subrecipients shall avoid any action that might result in, or create the appearance of:

- Using his/her official position for private gain;
- Giving preferential treatment to any person;
- Losing complete objectivity or impartiality;
- Making an official decision outside official channels; or
- Affecting adversely the confidence of the public in the integrity of the U. S. Department of Justice, U. S. Department of Education, the Kentucky Justice and Public Safety Cabinet, or the program.

**Notice to Grants Management Branch.** Should an applicant or recipient/subrecipient become aware of any circumstance that would constitute a conflict of interest, or the appearance thereof, the Authorized Representative (or other appropriate officer, board member, agent or employee), must immediately notify the Grants Management Branch's designated program manager of the details of the situation in writing. Failure to do so may result in withholding of reimbursement, termination of award, or other appropriate action. Upon notification, GMB staff will take appropriate internal and external actions to address the situation and maintain compliance with applicable state and federal guidelines.

### Chapter 3 – MATCHING REQUIREMENTS

Matching requirements for the major state and federal programs awarded through the Justice and Public Safety Cabinet are as follows:

- § Byrne Memorial Program Grant – A twenty-five percent (25%) cash match from non-federal sources is required for all subgrants.
- § Justice Assistance Grants – A twenty-five percent (25%) cash match from non-federal sources is required for all projects at the time of initial application and for projects in existence for one (1) to four (4) years. A thirty-five percent (35%) cash match from non-federal sources is required for all projects in existence for five (5) through eight (8) years. A fifty (50%) percent cash match from non-federal sources is required for all projects in existence for nine (9) through ten (10) years. A seventy-five (75%) percent cash match from non-federal sources is required for all projects in existence for eleven (11) years or more.
- § Law Enforcement Service Fee Program – The purchase of equipment under this program requires a twenty-five (25%) cash match. There is no match required for projects that do not involve the purchase of equipment.
- § Victims of Crime Act – A twenty percent (20%) in-kind or cash match or combination thereof from non-federal sources is required for all projects awarded after October 1, 2006. Start-up programs, without a demonstrated record of effective services, must provide fifty percent (50%) in-kind or cash match or combination thereof from non-federal sources.
- § Violence Against Women Act – A twenty-five percent (25%) in-kind or cash match or combination thereof from non-federal sources is required for all projects. Start-up programs, without a demonstrated record of effective services, must provide fifty percent (50%) in-kind or cash match or combination thereof from non-federal sources.

**In-Kind Match Definition.** In-kind match may include donations of expendable equipment, office supplies, workshop or classroom materials, work space, or the monetary value of time contributed by professionals and technical personnel and other skilled and unskilled labor, if the services provided are an integral and necessary part of a funded project. The value placed on donated services must be consistent with the rate of compensation paid for similar work in the subrecipient's organization. If the required skills are not found in the subrecipient's organization, the rate of compensation must be consistent with the labor market. In either case, fringe benefits may be included in the valuation. The value placed on loaned or donated equipment may not exceed its fair market value. The value of donated space may not exceed the fair rental value of comparable space as established by an independent appraisal of comparable space and facilities in privately-owned buildings in the same locality.

Subrecipients must maintain records that clearly show the source, amount, and period during which the match was allocated. The basis for determining the value of personal services, materials, equipment, and space must be documented. Volunteer services must be documented and, to the extent feasible, supported by the same methods used by the subrecipient for its own paid employees.

**Restrictions on Match.** Any matching funds, including overmatch, put into the project budget are subject to the same restrictions as the grant funds. Overmatch is considered any state, local, or private funds included in the grant budget above and beyond the required match for the specific grant award.

**Timing of Matching Contributions.** Matching contributions are not required at the exact time or in proportion to the obligation of the grant funds. However, the full matching share must be obligated and expended by the end of the period for which the grant funds have been made available. Match contributions must be timely recorded in grant accounting records and reflected in financial reports submitted to GMB.

**Records for Match.** All recipients/subrecipients must maintain records that clearly show the source, the amount, and the timing of all matching contributions. In addition, if a program or project has included within its approved budget, contributions which exceed the required matching portion (overmatch), the recipient/subrecipient must maintain records of the excess matching share in the same manner as it does the required matching share.

## Chapter 4 – APPLICATION PROCESS

**Application.** Applications for each program may be obtained from the Grants Management Branch's website, [www.justice.ky.gov/departments/gmb](http://www.justice.ky.gov/departments/gmb). The eGMS system provides access to an application form, program and financial guidelines and other pertinent information needed to prepare the application.

**Application Procedure.** Applications for each program must be submitted via Grants Management Branch's electronic grants management system within the required time frame. If an agency is applying for funding from one or more federal programs, only one copy of the audit is necessary. Applicants must establish a system account prior to submission at [www.kyjusticegms.gov](http://www.kyjusticegms.gov). General instructions for system access may also be accessed at this site.

**Application Content.** In order for an application to be accepted by the Grants Management Branch as complete, the following material/information must be included:

- Ø Completed agency and program overview information;
- Ø Statement of the problem, goals and objectives, project narrative, performance indicators and prior project outcomes;
- Ø Copy of the last completed audit of the applicant agency (including any OMB Circular A-133 information), if applicable;
- Ø Detailed project and budget narratives;
- Ø Equal Employment Opportunity Certification;
- Ø Debarment and Suspension Certification - (Subrecipients are not allowed to sub-contract with any party which is debarred or suspended from participation in state or federal assistance programs);
- Ø Lobbying Certification;
- Ø Drug-Free Workplace Certification - (Subrecipients are not required to submit a drug-free workplace certification; however, the Kentucky Justice and Public Safety Cabinet highly recommends that all applicants have a drug-free workplace plan in place.); and
- Ø Other forms or certifications that may be specified in individual application packages.

**Application Deadline.** Applications shall be filed within the application period set forth in the application packet in order to be considered for funding. GMB must receive applications by the deadline specified in the application packet. The electronic grants management system time and date stamps all application submissions according to official time; applicants should be aware that their personal computer/server/network time may vary. All applications received by GMB shall be assigned a grant application number. Any correspondence or inquiries should reference the grant application number.

**Incomplete Application.** If an application is incomplete, the applicant shall be notified as to the necessary action(s) required for correction. If the applicant corrects the application within the time indicated on the notice from GMB, the application shall be considered filed on the original date received. Notification to the applicant may be in the form of system generated messaging, written correspondence, email, or by telephone.

**Application Review Process.** When a completed application has been submitted, it shall be subject to programmatic and financial review. Applications are reviewed by appropriate GMB

staff and also by an independent review committee of subject matter experts using set review criteria and assigned point values specific to the program.

Programmatic review of each application also considers the following:

- § Eligibility of applicant;
- § Eligibility of the project design;
- § Eligibility of the program area;
- § Conformity to program strategy;
- § Extent of need for the project/program;
- § Measurable goals and objectives;
- § The plan of operation;
- § Qualifications of key personnel;
- § Evaluation plan; and
- § Assessment of previous project results.

Financial review of each application considers the following:

- § For federal grants, allowability in accordance with the current Financial Guide, Office of Justice Programs (<http://www.ojp.usdoj.gov/financialguide>), U.S. Department of Education, Office of Safe and Drug Free Schools and Communities (<http://ed.gov/policy/fund/reg/edgarReg/edgar.html>) Post Award Requirements, and others as applicable;
- § Allowability under the program area;
- § Allowability in accordance with Kentucky statutes and regulations;
- § Sufficiency and allowability of match;
- § Budget and cost effectiveness;
- § Adequacy of resources;
- § Evidence of financial stability;
- § Past performance regarding timely submission and accuracy of reports;
- § Deobligation of funds in previous funding years; and
- § Whether the agency has met the OMB circular A-133 audit requirements when required, as well as the consideration of other factors including, but not limited to those outlined in 28 CFR Part 66, where applicable.

Following the initial review and scoring of the application, GMB may request additional information or explanation from the applicant in order to complete the review of the application. Notification may be in the form of a system-generated message, written letter, email, or telephone call. Failure to respond in the time frame specified may result in the application not being further considered for funding during that application period. Responses to requests for follow-up information will be used to determine additional scoring consideration to justify the minimum required for funding.

An averaged score is determined from each reviewer's results, based on the criteria set forth here. Applications receiving an initial score of less than 50 (on a 100 point scale) will not be contacted for follow-up information; applications receiving a final score of less than 70 (on 100 point scale) will not be funded. Upon conclusion of the application process, applicants may

request copies of their scores and summarized reviewer comments. Such requests should be sent, in writing, to GMB.

Upon final review of the application, GMB shall recommend one of the following actions:

- § Rejection of the application;
- § Approval of the application; or
- § Approval of the application with modifications or additional special conditions.

Recommendation by GMB shall be made to the Secretary of the Kentucky Justice and Public Safety Cabinet. Final approval of all grant applications rests with the Secretary and/or the Governor of the Commonwealth, who will provide GMB with approval to proceed with final funding decisions and actions.

**Application Approval.** The application is considered an approved grant upon the signing of an Award Letter and Statement of Action Grant Award by the Secretary of the Cabinet or his/her designee, and return receipt of the Statement of Action Grant Award by the grantee's Authorized Representative (e.g.; Chief Executive Officer).

**Notification of Rejection.** Applicants denied funding will receive written notification describing the basis for the rejection.

**Appeal Process.** In the event an application under any grant program administered by GMB is denied, the applicant may request a reconsideration of the application by the Secretary of the Justice and Public Safety Cabinet.

- § The request shall be filed with GMB within twenty (20) days of the date of notice of rejection, and shall include a statement of the basis for reconsideration, which shall not be more than two (2) pages in length.
- § The Secretary of the Justice and Public Safety Cabinet may, in his/her sole discretion, schedule an informal hearing on the request for reconsideration and allow the applicant to present evidence as to why the application should be approved or a decision may be rendered based upon the request filed by the applicant and the information contained in the grant application file.
- § In the event that the Secretary sets a hearing on the reconsideration, the hearing shall be scheduled within thirty (30) days of the filing of the request. The applicant shall be notified of the time and place at least ten (10) days prior to the hearing.
- § The Secretary shall issue a written decision within sixty (60) days of the filing of the Request for Reconsideration.
- The decision made by the Justice and Public Safety Cabinet Secretary concerning the Request for Reconsideration is final.

## Chapter 5 – CONDITIONS OF AWARD AND ACCEPTANCE

**Award Document.** After completion of the internal review process, applications approved will receive formal notification of the award through issuance of a Statement of Action Grant Award (SAGA) document. This document includes:

- § Name of authorizing agency (subrecipient)
- § Name of program
- § Program area (if applicable)
- § Grant Award number
- § Amount of federal award
- § Amount of required match (if applicable); and
- § Special conditions, as appropriate, that the recipient/subrecipient must meet if the award is accepted.

**Acceptance Procedures.** All approved recipients/subrecipients will receive an “award binder” via the electronic grants management system. At minimum, this binder will contain the Statement of Action Grant Award document and any special conditions.

The Statement of Action Grant Award document must be signed by the recipient’s Authorized Representative and returned to GMB within fifteen (15) days of receipt by the recipient/subrecipient. By signing the Statement of Action Grant Award document the recipient/subrecipient agrees to all grant conditions.

Failure to submit the Statement of Action Grant Award within 45 days from the date of award may result in the termination of the grant award.

Funds shall not be disbursed to the recipient/subrecipient until the signed Statement of Action Grant Award has been received by GMB.

**General and Special Conditions.** General and Special Conditions include terms and conditions of the award. All awards will include general conditions requiring (1) compliance with provisions as set forth in this guide; and (2) compliance with audit requirements. Failure to comply with any general or special condition may result in the withholding of funds.

GMB will establish general and/or special conditions for all recipient/subrecipient awards, in compliance with the current *OJP Financial Guide*, U. S. Department of Education guidance, and relate sources, to include the following cancellation procedures. These conditions must be met to avoid possible termination of the grant award.

- § Commencement within 60 Days. If a project is not operational within 60 days of the original starting date of the grant period, the recipient/subrecipient must report by letter to GMB the steps taken to initiate the project, the reasons for the delay, and the expected starting date.
- § Operational within 90 Days. If a project is not operational within 90 days of the original starting date of the grant period, the recipient/subrecipient must submit a second statement to GMB explaining the implementation delay. Upon receipt of the 90-day letter, the Justice and Public Safety Cabinet may cancel the project and request approval from the U. S. Department

of Justice, U. S. Department of Education, or other funding source, to redistribute the funds to other project areas. GMB, may also, where extenuating circumstances warrant, extend the implementation date of the project past the 90-day period. When this occurs, the appropriate files and records must so note the extension.

**Obligation Process.** Upon acceptance of an official award, the federal or state (non-match) portion of the award is considered an obligation of the Kentucky Justice and Public Safety Cabinet, GMB, and is recorded as such in its internal accounting system. Appropriated funds are thereby reserved until all monies are expended by the recipient/subrecipient or de-obligated through GMB action. In the case of non-utilization of funds within statutory or other conditions, appropriated funds revert to the Kentucky Justice and Public Safety Cabinet, GMB, through deobligation of the unused balance.

**Training Requirements.** When an award is made, the financial officer and/or the project director may be required to attend a training session(s) on reporting, financial management, or related matters for the grant/subgrant. This training shall be provided at a time and location designated by GMB. Training relating to a specific project may be required for the recipient/subrecipient's personnel as a special condition of a grant.

## Chapter 6 – REPORTING REQUIREMENTS

Recipient/Subrecipient progress and financial reports form the basis for GMB reporting to U.S. Department of Justice and other funding agencies. GMB complies with funding agencies' reporting requirements regarding content and timeliness; therefore, recipients'/subrecipients' reports must conform to GMB policies to insure compliance with federal requirements.

**Program Reporting Procedures.** Each recipient/subrecipient shall be required to file periodic progress reports; depending on the grant program, these reports may be semi-annual, quarterly and/or monthly. These reports shall include project data and a narrative summary that includes information relevant to the performance of a project. For all funds awarded in 2008 or later, reports must be submitted via the on-line eGMS, as specified in the recipient/subrecipient's award information. (Pre-2008 awards will report under the guidelines in effect at the time of award.) Reports do not become available in eGMS until receipt of the recipient/subrecipient's signed award documents by GMB.

**Final Project Reports.** If applicable, each recipient/subrecipients shall be required to file a final report (progress and financial) that contains cumulative information on project data, activities, and expenditures. Reports must be submitted via the on-line eGMS, as specified in the recipient/subrecipient's award information.

**Financial Reporting Procedures.** Each recipient/subrecipient shall be required to file financial reports at least quarterly. If necessary, recipients/subrecipients may submit financial reports on a monthly basis. The reports must contain all expenditures incurred by the recipient/subrecipient for the current reporting period and any expenditures that were reported previously. Back-up documentation for expenditures must be retained and will be randomly requested (see Special Conditions located in the Award Binder) or reviewed during site monitoring visits by GMB financial staff. Financial reports shall be signed by the organization's Financial Officer, as listed on the original grant application, or other qualified individual where GMB has received and approved written authorization. Electronic signatures are acceptable.

Recipients must submit supporting documentation as required by GMB. *At a minimum*, this will include:

- If reporting quarterly, one full reporting period's documentation per grant year, with remaining periods' documentation reviewed during GMB on site monitoring visits (see Chapter 7 – Monitoring and Evaluation).
- If reporting monthly, two full reporting periods' documentation per grant year, with remaining periods' documentation reviewed during GMB on site monitoring visits (see Chapter 7 – Monitoring and Evaluation).
- Drug Task Force asset forfeiture reporting will continue to require full documentation with each submission.

**Report Filing Schedule.** Progress and financial reports shall be submitted within 15 days of the close of each quarter. Filing quarters are shown below.

<u>Quarter</u>	<u>Filing Date</u>
October 1 – December 31	January 15
January 1 – March 31	April 15
April 1 – June 30	July 15
July 1 – September 30	October 15
Final/Annual Reports (if applicable)	30 days after project end date

Failure to file progress and financial reports by the deadlines specified above will result in system generated reminder e-mails to appropriate agency staff.

Any recipient/subrecipient that fails to file the appropriate progress and financial reports or files an incomplete or incorrect report(s) will be notified of the deficiency, where material.

Failure to file completed reports in a timely manner may result in suspension or termination of the grant/subgrant, withholding of payments, or other related actions by GMB. However, an extension to the due date may be allowed with prior approval from GMB staff.

## **Chapter 7 – MONITORING AND EVALUATION**

### **Monitoring Policy.**

**Desk Monitoring:** This includes a review of the financial and program reports submitted by the recipient/subrecipient on a quarterly and/or monthly basis. Questions and concerns identified by GMB staff may result in requests for additional information, corrections on program or financial reports, or the exclusion of items not reflected in the approved budget. Additional back-up documentation may be requested to support program and financial reports at GMB's discretion. It is the responsibility of the recipient/subrecipient to provide requested information and corrections on a timely basis, or risk delayed payments or other consequences. Every recipient/subrecipient will receive at a minimum one comprehensive financial desk audit per grant award, although additional desk monitoring may be conducted if circumstances warrant. A full financial desk monitoring will include submission of all supporting financial documentation (e.g., timesheets, receipts, inventory reports) corresponding to all expenses claimed for the period.

**On-Site Monitoring:** Grants Management Branch conducts financial and program on-site monitoring on a periodic and as needed basis. Every recipient/subrecipient will receive an on-site visit approximately no less often than every three years, although different grant programs may maintain different schedules. Certain recipients/subrecipients may receive more frequent visits if circumstances warrant.

Financial monitoring will include, but not be limited to, comparison of recipient/subrecipient financial reports with general ledgers to determine that claimed expenses have been charged to the proper accounts and that proper documentation exists to support claims for personnel, travel, etc., and that equipment, if purchased, has been inventoried and is being used for the stated purpose. Additionally, the agency's overall financial internal controls and policies and procedures may be reviewed and recommendations made if appropriate or necessary.

Program monitoring will include, but not be limited to, discussion concerning the program operation, any problems or concerns associated with the program, and verification of information reported on the program monthly/quarterly reports. Programs providing direct client services are subject to client file review, and should maintain appropriate releases of information to allow same.

A written report is completed for all formal site visits, and placed in the recipient/subrecipient's GMB file. Additionally, results of the monitoring visit are shared with the recipient/subrecipient, with deficiencies and recommendations. Follow-up is required and provided as necessary.

**Evaluation Policy.** It is the goal of the Justice and Public Safety Cabinet to ensure all grant monies disbursed to state and local agencies and not-for profits have been allocated and spent properly, based on guidelines set forth by the Cabinet and funding source.

Any program that has received funding from the Justice and Public Safety Cabinet may be subject to a performance review by GMB staff. Program evaluation may include, but not be limited to: discussion concerning the program operation; discussion of set measurable outcome

goals implemented along with the grant; and quantifiable results showing justification for receiving future grant monies.

All grant programs in the Justice and Public Safety Cabinet will incorporate program evaluation components into their application guidelines.

## **Chapter 8 – ALLOWABILITY OF COSTS**

This chapter deals with the rules and principles for determining costs properly chargeable to federal or state grants. To be allowable under a grant program, costs must meet the following general criteria:

- § Be necessary and reasonable for proper and efficient administration of the project;
- § Be authorized and not prohibited under federal, state and local laws or regulations;
- § Be consistent with policies, regulations, and procedures that apply uniformly to both federally assisted and other activities of the units of government of which the recipient/subrecipient is a part;
- § Be accorded consistent treatment through application of generally accepted accounting principles appropriate to the circumstances; and
- § Not be allocated to or included as a cost of any other federally financed program in either the current or a prior project period.

Certain grants may preclude certain types or items of cost, or have other unique budget requirements. Applicants should contact the Program Coordinator and/or Financial Internal Policy Analyst about any questionable items prior to application submission to avoid unnecessary questions and delays. Requests for reimbursement submitted after award should reflect only items contained in the grant's final approved budget. Amendments to the original budget must be submitted and approved by GMB staff.

**Budget Categories.** The following budget categories are included on all financial reports.

**Personnel** – Grant funds may be used to compensate personnel for time engaged in the project as stated in the grant application.

- § Each position must be listed by title (and name of employee, if available), monthly salary rate for the employee, the percentage of the employee's time to be devoted to the project and total employee cost for the project.
- § Salaries may not be based solely on the availability of grant funding. Salaries must be based on compensation for similar services at the recipient/subrecipient agency and/or the local job market if similar services are not otherwise provided at the agency.
- § Existing employees of the recipient/subrecipient may be transferred from other positions to fill the positions in the grant application; however, supplanting must be avoided.
- § Overtime pay for personnel whose duties are consistent with the project's goals and objectives may be funded in some cases. Overtime pay must be approved through the original grant application prior to expenditure.

- § Charges of the time of employees funded by the grant or used as match may be reimbursed or recognized only to the extent they are directly and exclusively related to grant purposes or proper for inclusion in indirect costs bases, if allowable. In no case is dual compensation allowable.
- § Where salaries apply to both project operation and not-for-profit activity and apply to two or more separate projects, pro-ration of costs to each activity must be made based on time and attendance reports.
- § Benefits provided by the recipient/subrecipient for those employees assigned to the project shall be permitted. However, comparable benefits must be available to all employees of an agency to be an allowable expense for the employee(s) assigned to the grant.
- § A state or local government employee may be employed by a recipient/subrecipient in addition to his/her full-time position provided the work is performed on the employee's own time and;
  - ü The compensation is reasonable and consistent with that paid for similar work in other activities of state or local government;
  - ü The employment arrangement is proper and approved under federal and state statutes and regulations and local regulations relating to conflict of interest; and
  - ü The work is supported by time and attendance records, including allocated time sheets.

Contractual Services. Grant funds may be used to pay for professional or consultant services. The maximum rate for consultants is \$450 for an eight-hour (8) hour day (\$56.25 per hour). An eight-hour (8) day may include preparation, evaluation, and travel time in addition to the time required for actual performance. Please note, however, that this does not mean that the rate can or should be \$450 for all consultants. Rates should be developed and reviewed on a case-by-case basis and must be reasonable and allowable in accordance with Office of Management and Budget (OMB) cost principles. For greater detail concerning consultants associated with educational institutions, consultants employed by state and local governments, and consultants employed by not-for-profit organizations, please see the current *OJP Financial Guide*, U.S. Department of Education guidance, or related sources.

Travel. Grant funds may be used to pay for travel expenses related to operation of the project or for training for project personnel. Travel expenses must meet the following requirements and/or specifications. Additional limitations may be described in individual grant announcements.

- § Mileage for automobile travel shall not exceed the rate approved as outlined by 200 KAR 2:006 and in accordance with KRS 44.060, 45.101 or agency guidelines if more restrictive.
- § Lodging will be reimbursed at the actual cost provided that the most economical facility available is used and a receipt is submitted with the travel reimbursement request.

- § Subsistence will be paid as outlined by 200 KAR 2:006 and in accordance with KRS 44.060, 45.101 or agency guidelines if more restrictive.

To be eligible for lodging or subsistence (meals, taxes, tips), the person must be required to stay overnight at a location at least forty (40) miles from their primary work site and their home. Subsistence cannot be claimed for meals included in registration fees.

If the travel regulations of a particular agency or unit of government are more restrictive, they must be used.

Operating Expenses. Operating expenses include but are not limited to items necessary for the ongoing operation of the project such as rent, office supplies, training materials, printing costs, postage, telephone and utilities. Items should be separately listed and identified on the budget page of the application. Specific itemization of each type of expense with basis of computation should be provided in the budget and/or budget narrative.

Publications and Press Releases. Project directors are encouraged to make the results of their project activities and accomplishments available to the public. Recipients/subrecipients who publicize as part of a grant to print a training manual, newsletter or other publication shall adhere to the following:

- § Responsibility for the direction of the project activity should not be ascribed to the federal grantor agency or the Justice and Public Safety Cabinet. The publication shall include the following or comparable: "The opinions, findings and conclusions or recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the views of the Kentucky Justice and Public Safety Cabinet or the U. S. Department of Justice, Office of Justice Programs."
- § An acknowledgement of agency assistance and/or support shall be conspicuously printed in the publication and may be made through use of the following or comparable footnote: "This project was supported by Grant No. (insert correct grant number) awarded through the Kentucky Justice and Public Safety Cabinet by the U. S. Department of Justice, Office of Justice Programs."

Federal Participation Requirement. All recipients/subrecipients must include the following information when issuing statements, requests for proposals, bid solicitations, and other documents describing projects funded in whole or in part with federal funds:

- § The percentage of the total cost of the project which will be financed with federal money; and
- § The dollar amount of federal funds for the project.

Equipment. Requests for equipment and hardware will be considered if the purchase or acquisition is a necessary element of an eligible project.

- § Each item of equipment and hardware requested should be separately listed on the application budget page with unit costs and explanation of usage for the equipment.

State procurement policy or agency procurement policy, if more restrictive, must be used.

- § Under the Law Enforcement Service Fee Program, requests for equipment may be made separate from any other project, provided that the equipment requested is directly related to the enforcement of KRS 189.010. (Examples include in-car camera, portable breath-testing machines, etc.)

**Construction Limitation.** “Construction” is the erection, acquisition, or expansion of new or existing buildings or other physical facilities and includes renovation, repairs, or remodeling. No grant funds shall be used for the purpose of land acquisition. Please refer to the application package to determine if construction costs are allowable expenses under individual program guidelines.

**Non-Supplanting Limitation.** Grant funds may not be used to supplant state or local funds. All applicants must certify that grant monies will not be used to replace state or local funds that would, in the absence of such federal or state assistance, be made available for law enforcement, criminal justice, juvenile justice, victims assistance or drug enforcement.

**Indirect Costs.** “Indirect costs are costs of an organization that are not readily assignable to a particular project, but are necessary to the operation of the organization and the performance of the project. The costs of operating and maintaining facilities, depreciation, and administrative salaries are examples of the types of costs that are usually treated as indirect costs.” *OJP Financial Guide*

Limited state and federal grant funds are awarded to the Cabinet for improving services to victims and improving the criminal and juvenile justice systems. As the State Administering Agency, it is GMB’s role to direct those funds for their specific legislatively prescribed purpose. Doing so precludes any claim to or for indirect costs associated with any grant/subgrant project awarded under the aforementioned grant programs administered by the Justice and Public Safety Cabinet, Grants Management Branch. Exceptions may be made on an individual basis, at GMB’s discretion, on certain discretionary pass-through grants.

**Training.** Applicants may request funds to attend or conduct training, as allowed by specific grant programs. Unless the funding request’s primary purpose is to conduct a conference for external participants, applicants are limited to one request per fiscal year, maximum \$1,000, to conduct or supplement training costs. Awards for training costs will be based on overall availability of funds; preference of grant program funds for direct services; relevance to grant program and Cabinet priorities; public accessibility; and breadth of target audience. At its discretion, GMB may direct or award limited grant administration funds to conferences of statewide or national significance; that support grant programs, cabinet, or state priorities; and are available to broad-based audiences.

## **Chapter 9 – GRANT PERIODS, OBLIGATIONS, EXPENDITURES, AND PAYMENTS**

**Grant Period.** Grants awarded by the Cabinet will be for a twelve-month (12) period unless otherwise noted.

**Obligation of Funds.** Grant funds must be obligated by the recipient/subrecipient within the grant period specified. Obligations occur when funds are encumbered or accrued, such as a valid purchase order or requisition to cover the cost of purchasing an approved budget item or salary earned but not yet paid. Funds may be obligated anytime during the approved grant period.

**Expenditure of Funds.** Grant funds, which have been properly obligated by the end of the grant award period, must be expended (liquidated) by the recipient/subrecipient within 60 days of the grant end date. Any funds not expended (liquidated) at the end of the 60-day period will lapse and revert to the Justice and Public Safety Cabinet, unless a grant adjustment notice extending the liquidation period has been approved. In addition, the Justice and Public Safety Cabinet, prior to the close of the grant award, may deobligate unused funds if the recipient's/subrecipient's approved spending plan changes due to personnel departures, or it becomes apparent that the remaining funds will not be expended prior to the end of the grant period.

### **Payments.**

- § Local units of government and private not-for-profit agencies. All payments to these organizations and units of government will be either in the form of a check written on the Kentucky State Treasury or, at the recipient's/subrecipient's request, the payment may be in the form of an electronic transfer. Reimbursement payments will be initiated upon receipt and approval of the quarterly or monthly Financial Report.
- § State agencies. Payments made to state agencies will be handled as a journal voucher or cash receipt through the statewide accounting system (eMARS), or in the form of a check written on the Kentucky State Treasury if the agency's funding codes do not conform to GMB requirements. Reimbursements will be initiated upon receipt and approval of the quarterly or monthly Financial Report. Exceptions may be made for long-term grants that were originally set up to participate in direct project billing.

**Principles of Minimum Cash on Hand.** Federal cash on hand should not exceed the amount of funds necessary for disbursements/reimbursements to be made immediately or within ten (10) days.

## **Chapter 10 – GRANT EXTENSIONS, SUPPLEMENTS, AND REVISIONS**

**Grant Period Extensions.** Recipients/subrecipients may request a grant period extension of their current grant to complete goals and objectives, fully expend funds, or for other related reasons. However, a continuation application may not be funded until the conclusion of the preceding grant, unless the continuation grant and previous grant extension will provide unique, non-overlapping services and activities. Extensions cannot be granted to any recipient/subrecipient if they have reached the end of their funding period (i.e., Byrne grants are limited to a 48 month total funding period) or if the federal grant award has reached the end of the grant period. Extension requests detailing the reason for the extension request and the amount of time needed should be submitted in writing at least three (3) months prior to the grant period end date; extenuating circumstances (e.g., forfeiture award 30 days prior to grant conclusion) may be noted in requests past this period. Extension requests should be submitted electronically using a Grant Adjustment Notice (GAN) that can be accessed through the recipients/subrecipients' eGMS account.

The recipient/subrecipient must meet the following criteria when submitting a request to extend the obligation or expenditure deadline for a project.

- § All scheduled quarterly progress and financial reports must be filed with GMB.
- § All special conditions attached to the grant award must be satisfied except those conditions that must be fulfilled in the remaining period of the grant.
- § A narrative statement must be submitted with the grant award extension request, detailing the justification and circumstances that necessitate the proposed extension. Failure of the recipient/subrecipient to implement the project at the scheduled start-up date will not be considered sufficient basis for extension without further justification. The effect of denial of the request on the project should be explained.

GMB shall take action on any proposed extension request within fifteen (15) days after receipt of all required information.

**Supplemental Awards.** GMB may award supplements to grants from unobligated funds to allow a recipient/subrecipient to complete or improve program operation during the original grant period. A recipient/subrecipient may request a supplement to their grant by submitting a written request detailing the use of the supplemental funds. GMB shall review the supplemental award request and make a determination based upon the same fiscal and programmatic review criteria as used for the original grant application and the availability of funds.

**Budget Revisions.** All budget revision requests must be approved by GMB prior to the expenditure of funds by the recipient/subrecipient. No budget revisions will be allowed that significantly change a project's goals and/or objectives. Any deviation from the approved budget without prior approval may result in the disallowance of the expenditure and may result in the deobligation of the remaining funds.

All grant adjustments must be requested via the eGMS; responses, including requests for additional supporting information, will be returned to recipient/subrecipients, via the eGMS, within fifteen (15) days of receipt.

## **Chapter 11 – ACCOUNTING SYSTEMS, AUDITS, AND FINANCIAL RECORDS**

**Accounting Systems.** All recipients/subrecipients, contractors and other organizations receiving grant funds through the Justice and Public Safety Cabinet are required to establish and maintain accounting systems and financial records to accurately account for funds awarded to them. These records shall include both federal and state funds and all matching funds.

**Objective of an Accounting System.** An adequate system will provide internal controls for an organization as well as a useful method of obtaining financial information. Financial information can be used to assist in determining what activities merit priority or emphasis, where efficiency can be improved, and how resources can best be utilized.

**Commingling of Funds.** The accounting systems of all recipients/subrecipients must ensure that grant funds received from the Justice and Public Safety Cabinet are not commingled with funds from other federal or state agencies. Funds specifically budgeted and/or received for one project may not be used to support another.

**An accounting system should:**

- § Present and classify the project cost of the grant as required for budgetary and evaluation purposes;
- § Provide cost and property controls to ensure optimal use of grant funds;
- § Control funds and other resources to ensure that the expenditure of funds and use of property are in conformance with any general or specific conditions of the grant;
- § Meet the prescribed requirements for periodic financial reporting of operations; and
- § Provide financial data for controlling, measuring, and evaluating direct and, if allowable, indirect costs.

**Accounting System Standards.** Accounting systems are composed of a series of operations that involve classifying, recording, summarizing and reporting transactions. Critical elements of an accounting system are an account structure, accounting records, source documents, a system for coding financial transactions and written procedures prescribing the manner in which, and by whom, these operations are performed.

An adequate accounting system should meet the following standards:

- § Allow for summarizing and reporting of grant expenditures by specific projects, uniform receipt and expenditure classifications, and major steps funded in the approved budget;
- § Accounting records should adequately identify the receipt and the expenditure of funds;
- § Accounting records should refer to subsidiary records or documentation which supports each entry and which can be readily located and identified with the grant;
- § Financial reporting information should be accurate, current, and complete; and
- § Accounting systems should have an adequate system of internal controls, to safeguard grant funds and properties, check the accuracy and reliability of accounting data, promote operational efficiency, and encourage adherence by the recipient/subrecipient to prescribed management policies.

**Audit Responsibilities.** The recipient/subrecipient shall provide a Single Audit, if required, pursuant to OMB Circular A-133, to GMB. For more information, please see (<http://www.whitehouse.gov/omb/circulars>) .

An A-133 audit is required for state and local governments, institutions of higher education and not-for-profit organizations expending federal assistance of \$500,000 or more during the preceding fiscal year. This threshold increased from \$300,000 December 31, 2003.

Recipients/subrecipients receiving federal or state assistance of less than \$500,000 should have an audit conducted in accordance with OMB Circular A-133 or a regular financial audit.

If the audit indicates a finding which could have a bearing on the manner in which the recipient/subrecipient maintains grant monies, the recipient/subrecipient must notify GMB, in writing, as to the corrective action(s) to be implemented.

The audit submitted with the grant application will be reviewed in accordance with the grant review procedure. All audits submitted with the grant application shall be for the most current year. Current and subsequent audits must be submitted within nine (9) months of the close of the recipient/subrecipient's fiscal year.

**Audit Objectives.** The audit objectives are to review the recipient/subrecipient's administration of grant funds and required matching contribution for the purpose of determining whether the grantee has:

- § Established an accounting system integrated with adequate internal fiscal and management controls to provide full accountability for revenues, expenditures, assets, and liabilities. This system should provide reasonable assurance that the organization is managing federal and state financial assistance programs in compliance with applicable laws and regulations;
- § Prepared financial statements which are presented fairly, in accordance with generally accepted accounting principles;
- § Prepared financial reports (which may include financial status reports, cash reports, and claims for reimbursement) which contain accurate and reliable financial data, and are presented in accordance with the terms of applicable agreements; and
- § Expended federal funds in accordance with the terms of applicable agreements and those provisions of federal law or regulations that could have a material effect on the financial statements or on the awards tested.

**Audit Costs.** Audit costs may not be charged to the grant/subgrant.

**Maintenance and Retention of Records.** All financial records, supporting documents, statistical records and all other records pertinent to the grant, subgrants or contracts under grant shall be retained by each organization participating in a state or federal grant program for **A MINIMUM THREE (3) YEARS** for purposes of state or federal examination and audit.

The retention requirement extends to books of original entry, source documents supporting accounting transactions, the general ledger, subsidiary ledgers, personnel and payroll records, cancelled checks, and related documents and records.

- § Source documents include copies of all grant awards, applications and required financial and narrative reports.
- § Personnel and payroll records shall include the signed time and attendance reports for all individuals included in the project, whether they are employed full-time, part-time, or on a volunteer basis.
- § Time and effort reports will be required for consultants.

**The three year (3) retention period starts from the date the grant is officially closed.** If any litigation, claim, negotiation, audit or other action involving the records has been started before the expiration of the 3 year period, the records must be retained until completion of the action and resolution of all issues which arise from it or until the end of the regular 3 year period, whichever is later.

Recipients/subrecipients must ensure that records of different state and/or federal fiscal award periods are separately identified and maintained so that information may be readily located. Recipients/subrecipients must also ensure that records are adequately protected against fire or other damage. When records are stored away from the recipients/subrecipients' principal office, a written index must be stored on-site to assure ready access.

**Access to Records.** The Justice and Public Safety Cabinet, the Auditor of Public Accounts, the Office of Justice Programs, and the Comptroller General of the United States, or any of their authorized representatives, shall have the right of access to any pertinent books, documents, papers, or other records of recipients/subrecipients which are relevant to the grant. The rights of access shall not be limited to the required retention period, but shall last as long as the records are retained.

## **Chapter 12 – PROCUREMENT AND PROPERTY MANAGEMENT STANDARDS**

### **Procurement Standards.**

General. Commonwealth of Kentucky shall follow the same policies and procedures it uses for procurement from its non-federal funds. It shall ensure that every purchase order or other contract includes any clauses required by federal statutes and executive orders and their implementing regulations.

Recipients/subrecipients of states shall follow the procurement requirements imposed upon them by the states, or their own procurement policies, if more restrictive. Other recipients/subrecipients will follow OMB Circular A-110.

Standards. Recipients/Subrecipients shall use their own procurement procedures and regulations, provided that the procurement conforms to applicable federal law and the standards identified in the Procurement Standards Sections of 28 CFR Parts 66 and 70. Any recipient/subrecipient whose procurement system has been certified by a federal agency is not subject to prior approval requirements of 28 CFR Parts 66 and 70. The awarding agency's prior approval will be required only for areas beyond limits of the recipient/subrecipient certification.

Adequate Competition. All procurement transactions whether negotiated or competitively bid and without regard to dollar value, shall be conducted in a manner so as to provide maximum open and free competition. All recipient/subrecipient sole-source procurements in excess of \$10,000 must receive prior approval by GMB, and may be required to issue a Request for Proposals.

Non-Competitive Practices. The recipient/subrecipient shall avoid actual, or the appearance of, organizational conflicts of interest or non-competitive practices among contractors, which may restrict or eliminate competition or otherwise restrain trade. Contractors that develop or draft specifications, requirements, statements of work, and/or Requests for Proposals (RFPs) for a proposed procurement shall be excluded from bidding or submitting a proposal to compete for the award of such procurement. Any request for exemption must be submitted in writing to GMB.

**Property and Equipment Acquisition/Management.** Recipients/Subrecipients are required to be prudent in the acquisition and management of property with state and federal funds. Expenditure of funds for the acquisition of new property, when suitable property required for the successful execution of projects is already available within the recipient/subrecipient organization will be considered an unnecessary expenditure.

All recipients/subrecipients utilizing grant funds for the acquisition of property shall establish and maintain systems for the effective management of such property, which shall meet the following minimum requirements:

- § Property records must be maintained which include a description of the property, a serial number or other identification number, the source of property, the name of the titleholder, the acquisition date, the cost of the property, the percentage of federal or state participation in the cost of the property, and the disposition data including the date of disposal and sale price.

Approval for disposal of property obtained with grant funds must be obtained from GMB prior to actual disposal.

- § A physical inventory of the property must be taken and the results reconciled with the property records at least once every two (2) years.
- § A control system must exist to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft shall be investigated.
- § Adequate maintenance procedures must exist to keep the property in good condition.
- § If the recipient/subrecipient is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.

Subrecipients are responsible for replacing or repairing property which is willfully or negligently lost, stolen, damaged or destroyed.

When acquiring replacement equipment, the recipient/subrecipient may use the equipment to be replaced as a trade-in or sell the equipment and use the proceeds to offset the cost of the replacement equipment subject to approval by GMB.

At the end of the grant period, title to all equipment and supplies purchased under a grant award shall vest in the recipient/subrecipient, if the recipient/subrecipient certifies to the Justice and Public Safety Cabinet that it will use the property for continuation of the project purposes or certifies that it will use the property for other criminal justice purposes. If such certification is not made, or if an agency discontinues operation, title to the property shall vest in the Justice and Public Safety Cabinet, which shall seek to have the equipment or supplies used for criminal justice purposes elsewhere in the Commonwealth.

If property is sold by a recipient/subrecipient or the Justice and Public Safety Cabinet at the end of the project period and the recipient/subrecipient does not certify that it will use the proceeds as set forth above, the proceeds of the sale shall be divided between the Justice and Public Safety Cabinet and the recipient/subrecipient on a pro rata basis equal to their contribution to the grant with which the property was purchased.

**Land Acquisition.** The funding legislation specifies that no federal award involving the renting, leasing or construction of buildings or other physical facilities shall be used for land acquisition. Accordingly, land acquisition costs are unallowable.

## Chapter 13 – PROGRAM INCOME

**Definition.** Program income means gross income earned by the recipient/subrecipient, during the funding period, as a direct result of the grant award. Direct result means a specific act or set of activities that are directly attributable to grant funds and which are directly related to the goals and objectives of the grant.

**Use of Program Income.** Program income may be used to supplement project costs, reduce project costs, or may be refunded to the Kentucky Justice and Public Safety Cabinet, at GMB discretion. Program income may only be used for allowable program costs and must be expended prior to the reimbursement of additional state or federal funds for the same purpose(s). An extension of the grant period, where otherwise allowable, may be sought for the purpose of expending program income, subject to the policies described herein and at GMB discretion.

**Accounting of Program Income.** All income generated as a direct result of a federally funded project shall be deemed program income. Program income must be used for the purposes and under the conditions applicable to the award, including expenditure of match funds. Program income should be used as earned and expended within the project period. If the costs were allowable under the state or federal grant program, then the costs would be allowable using program income.

Recipients/subrecipients should refer to the original RFP/application package for additional guidance and contact GMB staff for pre-approval of any expenditure to be paid by program income.

Proceeds resulting from a state forfeiture action shall be managed in accordance with KRS 218A.435.

Recipients/subrecipients may be required to obtain specific prior approval for expenditures of program income that are not otherwise addressed by GMB staff.

Program income resulting from forfeitures may be retained by the recipient/subrecipient to be used within the twelve (12) month project period as direct funding for the project. The federal award will be reduced by the remaining amount of unexpended program income at the conclusion of the grant period. Under extenuating circumstances, programs may request up to twenty-four (24) months to expend program income resulting from asset seizures and forfeitures. Approval may be granted at GMB's discretion.

**Reporting of Program Income.** The eGMS financial report requires that the *total* amount of income received be detailed including what constitutes the income, the amount of income expended, what it was expended for, and any remaining balance.

### **Examples of Program Income.**

- § Sale of Property. The policy and procedures governing the handling of proceeds from the sale of real and personal property purchased with grant funds is contained in Chapter 12.
- § Royalties. The recipient/subrecipient shall retain all royalties received from copyrights or other works developed under the project from patents and inventions, unless the terms and conditions of the project provide otherwise.
- § Medicaid Income. Income received from Medicaid proceeds is considered program income, and must be accounted for accordingly.
- § Attorney's Fees and Costs. Income received pursuant to a court ordered award of attorney's fees or costs, which is received subsequent to completion of the grant, is program income to the extent it represents a reimbursement for attorney's fees and costs originally paid under the grant. Disposition of such program income is subject to the restrictions on the use of program income set forth in the grant or handled as stated above in "Use of Program Income."
- § Registration/Tuition Fees. These types of program income shall be treated in accordance with disposition instructions set forth in the grant's terms and conditions or as stated above in "Use of Program Income."
- § Asset Seizures and Forfeitures. Income received for the sale of personal or real property (e.g., cash, vehicles, real estate) seized as part of the activities of the project and awarded to the recipient/subrecipient under state or federal forfeiture law is program income. Program income resulting from forfeitures may be retained by the recipient/subrecipient to be used within the twelve (12) month project period as direct funding for the project. Under extenuating circumstances, programs may request up to twenty-four (24) months to expend program income resulting from asset seizures and forfeitures. Approval may be granted at GMB's discretion.

## Chapter 14 – CONFIDENTIAL FUNDS

These provisions apply to all recipients/subrecipients involved in the administration of grants containing confidential funds. Confidential funds are those monies allocated to:

**Purchase of Services (P/S).** Allowable expenses under this category may include travel or transportation of a non-federal officer or an informant; the lease of an apartment, business front, luxury-type automobiles, aircraft or boat, or similar effects to create or establish the appearance of affluence; and/or meals, beverages, entertainment, and similar expenses (including buy money and flash rolls, etc.) for undercover purposes, within reasonable limits.

**Purchase of Evidence (P/E).** Allowable expenses under this category may include the purchase of evidence and/or contraband, such as narcotics and dangerous drugs, firearms, stolen property, counterfeit tax stamps, etc., required to determine the existence of a crime or to establish the identity of a participant in a crime.

**Purchase of Specific Information (P/I).** Allowable expenses under this category may include the payment of monies to an informant for specific information. All other informant expenses would be classified under (P/S) and charged accordingly.

These funds should only be allocated when:

- § The particular merits of a program/investigation warrant the expenditure of these funds.
- § The requesting agencies are unable to obtain these funds from other sources.

Use of confidential funds is subject to prior approval by GMB. Approval will be based on a finding that they are a reasonable and necessary element of project operations. In this regard the Justice and Public Safety Cabinet must ensure that the controls over disbursement of confidential funds are adequate to safeguard against the misuse of such funds.

**Confidential Funds Certification.** A signed certification that the project director has read, understands, and agrees to abide by these provisions is required from all projects that are requesting approval for use of confidential funds from federal, state, or matching funds. The signed certification must be submitted at the time of grant application.